OURNAL'S BUSINESS DIRECTORY.

Wm. L. Rice, 2805 West Michigan street. Telehones: Old, 28750; new, 3152. Territory west of COAL-Coburn Coal Co., East 22d st. Anthra-cite, coke, hard and soft coal. 'Phone 2445.

BERTERMANN FLORAL COMPANY, New No. 241 Mass. ave., 225 N. Del. st. Tel. 84 MANTELS AND GRATES-P. M. PURSELL (Mantels, Furnaces).

PATENT LAWYERS-V. H. LOCKWOOD,

415-418 Lemcke building. SALE AND LIVERY STABLES-HORACE WOOD (Carriages, Traps, Buck boards, etc.) 25 Circle. Tel. 1097. SHOW CASES-WILLIAM WEIGEL.

243 South Meridian Street. FRANK BLANCHARD, 99 N. Delaware st. Tel. 411. Lady Attendant.

FUNERAL DIRECTORS.

H. C. STEVENS, New Style Wall Paper, Low prices, 920 N. Senate ave. Tel. 2 on 2552.

FLANNER & BUCHANAN—(Licensed embalmers.) Can ship diphtheria and scarlet fever. Lady embalmer for ladies and children. 320 North Illinois st. Telephone 641, new and old.

C E. KREGELO. New 250.
FUNERAL DIRECTOR,
223 N. Delaware St.
128 E. Vermont St. (Colonial Flats.)
New Phone, 1749.

FINANCIAL.

LOANS-Money on mortgages. C. F. SAYLES, 127 East Market street. LOANS—On city property; 5½ per cent.; no com-mission; money ready. C. N. WILLIAMS & CO., 319 Lenicke building. MONEY-To loan on Indiana farms; lowest mar-ket rate; privilege for payment before due; we also buy municipal bonds. THOS. C. DAY & CO., Rooms, 805-812 Law building, Indianapolis.

STORAGE.

STORAGE-INDPLS WAREHOUSE CO. New) 517-523 S. Penn. 'Phone 1343. We STORE, PACK and HAUL. STORAGE-The Union Transfer and Storage Company, corner East Ohio street and Beethe tracks; only first-class storage solicited.
RATING AND PACKING OF HOUSEHOLD GOODS A SPECIALTY.

FOR RENT-ROOMS.

ms for rent, \$1 a week and upwards. Lodging, 25 cents. Meals, West Maryland street. FOR RENT-Room with modern conveniences and board. A good home table. Both for \$25 per month. Ten squares from Circle. Best of references. Address R 25, care Journal.

FOR SALE.

FOR SALE-No. 1 iron tank; capacity 400 gallons; in good condition; will sell cheap. In quire at Chalfant, Pennsylvania and Michigan, of W. L. LARUE.

WANTED-MALE HELP.

barrel mill. Work just commencing. Will pay 36 cents an hour and board to competent men. Apply at once, CAIRO MILLING COMPANY, Cairo, Ill.

WANTED-For U. S. Army: Able bodied married men between ages of 21 and 35; citi-tens of United States, of good character and emperate habits, who can speak, read and write imperate habits, who can speak, read for serv-inglish. Recruits are specially desired for serv-ce in Philippines. For information apply to Re-ruiting Officer, 25 N. Illinois street, Indianapo-

WANTED-HELP.

______ WANTED-A good white cook, in small family at 1740 North Meridian street. References re

WANTED-AGENTS.

AGENTS WANTED-To sell Wonder Shoe Polish; something entirely new; excellent chance make money. Address F. W. H., Journal. WANTED-Agents Wanted-"Galveston: The Horrors of a Stricken City," by Murat Haistead. Fully illustrated. Fastest seiling book ever published; only \$1.50. Best terms guaranteed. Outfit free. Be quick. J. S. ZEIGLER & CO., Chicago, Iil.

> WANTED-MISCELLANEOUS.

WANTED-Dental work free at Central Colleg of Dentistry, southwest corner of Ohio and Ill nois stracts. No charge, except for cost of ma

AUCTION SALE.

AUCTION SALE-To Dealers and Consumers-Ohio Wine and Liquor Company will offer at suction \$50,000 worth of imported wines, liquors, o commence Wednesday, Sept. 19, at 10 a. m. and 2 p. m., and to continue until all or most of stock is sold. This is the largest sale of its kind ever offered at auction. OHIO WINE AND LIQUOR COMPANY, 206 South Illinois street, near Union Railroad Station.

NOTICE.

NOTICE-We absolutely cure diseases of every name and teach others the art and how to See us at or write to 326 North Illinois street Yours for good health, PROF, JOHN W. SIGA-FOOSE, Magnetic Healer.

LOST.

LOST-Oct. 1. grocer's order book from buggy (Sprague Warner), return to Robert Keller (Ardmore), and receive reward. LOST-Breast Pin, with coral head, on Wash ington street, Pennsylvania street or Massa-husetts avenue. Please return to 320 North New ersey street and receive reward.

LEGAL ADVERTISEMENTS.

State of Indiana, Sct: in the Supreme Court. arah A. Miller vs. David A. Coulter et al. Appeal from Clinton Circuit Court. Whereas, it appears by affidavit filed tha Barzali B. Bradley is a nonresident of the State of Indiana, and a necessary party to said appeal. Now, therefore, the said nonresident apse above named is hereby notified that on the 3d day of June, 1900, the said Sarah A. Miller fled in the clerk's office of the Supreme Court of Indiana, a transcript of the record and prongs in a certain suit appealed from the uit Court of Clinton county, Indiana, in which said Sarah A. Miller was plaintiff, and said David A. Coulter et al. were defendants and said above-named nonresident appellee 1 hereby notified to appear at the Supreme Court room, in Indianapolis, Indiana, before said Su-preme Court on the 30th day of November, 1900. and defend said appeal, else the same will be eded upon in his absence. hand and the seal of said court. this 2d day of October, 1900.

ROBERT A. BROWN, Clerk Supreme Court. Indiana, Decatur & Western Railway Co .- Ofthe Secretary, Indianapolis, Ind., Sept Notice is hereby given that the annual meetcatur & Western Railway Company will be held at the office of the company in Indianapo-lis, Ind., on Wednesday, October 10, 1900, at 1 clock p. m., for the election of three directors

and the transaction of such other business as may properly come before the meeting. GEORGE R. BALCH, Secretary. AT A TENDER AGE.

Young People Get Marriage Licenses

with Consent of Parents.

Yesterday was what might be called kindergarten day in the marriage license department of the country clerk's office Five licenses were issued that required conrent of parents for one or the other of the contracting persons. These licenses were issued to Joshua Holding and Elizabeth Huffer, sixteen; Thomas P. Egan, twenty. and Mary J. Ruckels, twenty; Arthur . Fessier, twenty, and Maud Miller; John C. Thomas and Elsie Blanche Stoops, seventeen; James Tobin and Josephine Drake,

FOR A COUNTRY VILLA

D. M. Parry Purchases Ground South of the Country Club.

D. M. Parry yesterday closed a deal by which he purchased from John C. Shaffer. of Chicago, twenty-six acres of land lying just south of the Country Club, known as den Hill," paying for it the sum of \$15,000. It is Mr. Parry's intention to build a handsome country villa on his newly-acquired property. The surrounding grounds will be laid out in artistic manner by a andscape gardener, who will be brought

"GARLAND" STOVES AND RANGES

FACTORS IN PROSPERITY

LESSON TO BE DRAWN FROM THE PENNSYLVANIA'S ANNUAL REPORT.

Interlocking Plant Operated by Air -Rails Now Low Enough Please Conservative Officials.

A Kansas paper says the statement of the Pennsylvania Railroad earnings reads like the advance sheet of a prosperity administration, and then adds: "Pessimists | friends may harp and partisans decry the prosperity nearly everywhere in evidence, but there are certain factors which rise above politics and tell their own suggestive story. Railroad earnings are one of the factors. The total earnings of the Pennsylvania Railroad for 1900 were \$80,304,331, against \$67,119,533 the year previous, and net income \$32,056,535, against \$26,436,320 in 1898, and surplus \$3,497,425 in 1900, against \$345,696 last year, and the net surplus over the previous year \$3,423,672. Passenger revenue increased \$2,181,353, while freight traffic increased \$9,-020,475. This company carried 4,501,291 more passengers than the previous year and 36,-080,897 tons of freight in excess of 1898. The man must be dull indeed who cannot read

the significance of these figures." St. Louis Southwestern Report.

The St. Louis Southwestern Railway Company has issued its pamphlet report for the fiscal year ended June 30, 1900. The comparisons, are as follows: Gross earnings, \$5,908,284, an increase of \$45,946; operating expenses and betterments, \$4,156,073, a decrease of \$53,015; other incomes, \$95,685, an increase of \$11,228; total income, \$1,847,-896, an increase of \$110,189. Interest, taxes nterest on second mortgages, \$360,000, an ncrease of \$180,000; surplus, \$270,292, a decrease of \$138,323.

The percentage of operating expenses to was \$65.50, as compared with \$68.68 in the preceding year. There was a heavy shortage in the cotton crop throughout the country tributary to this line, resulting in decrease compared with the preceding year of 145,361 bales, equivalent to about \$225,000 in revenue. This loss in revenue was, however, more than offset by a gain in other classes of freight and in passenger traffic; the freight earnings show a decrease of \$25,130, whereas the gross earnngs show an increase of \$45,946.

The company has effected, during the ast year, a connection with the Chicago Eastern Illinois at Thebes, Ill., opposite Gray's Landing, Mo., and has opened a through passenger service between Chicago and Texas points. A traffic agreement also has been entered into with the St. Louis, Iron Mountain & Southern Railway Company, effective in May, 1900, for the oint use of terminals of that company at femphis. President Edwin Gould states that for the first time in the history of the property the full interest, 4 per cent. on the second mortgage income bonds. amounting to \$360,000, has been paid during the fiscal year, representing interest earned during the calendar year 1899.

Interlocking by Air.

The Chicago & Western Indiana Company's new plant at the Sixteenth-street crossing at Chicago has just been completed at a cost of more than \$35,000, and the operation of it does away with the former necessity of having to stop all trains at both ends of the depression. Now trains are signaled blocks away from the crossings, and they are hurried along, provided the tracks are clear, at twenty or lay caused by signaling. The plant is operated by air. There are two towers in the system, one at Fifteenth and the other at Sixteenth street. Ninety-three switches are operated from them. Three men are employed in each tower, each man working eight hours. Besides looking after the levers they are expected to do some tele-graphing and telephoning. The signal system is one of the most extensive of its kind in the country. It affords communication with the yards of the Erie, the Monon, the Eastern Illinois, the Grand Trunk, the Wabash and the Western Indiana roads.

A Question with Two Sides.

Far-seeing railway officials are not anxious to see the price of rails reduced to a low figure, as a higher price will discourage building by new competitive interests. In new construction rails are the important consideration. They cost more than the railway or ties, and aside from equipment are the big factor in an investment for a new railway enterprise. If a new interest is using rails weighing sixty pounds to the yard they require about 100 tons for a mile of track, and these, at \$30 a ton, would cost \$3,000. If the heavier rail, say eighty-five pounds to the yard, and now most approved by railroad engineers. is used, the cost of the rails for a mile at this rate would figure to about \$4,200. For a new line 100 miles long the lighter rails would thus cost \$300,000, and the heavier \$420,000. A factor like this naturally discourages new investments that are constantly annoying the old railroad interests.

Hocking Valley Election.

The annual meeting of the stockholders of the Columbus, Hocking Valley & Toledo Railway Company was held at Columbus yesterday. The board of directors was increased from nine to thirteen members. and the following were elected: Charles B. Alexander, Robert Bacon, R. M. Galloway, Ralph W. Hickox, Charles Steele and Thomas Ryan, New York; James H. Hoyt and Myron Herrick, Cleveland; N. Monsarrat, P. W. Huntington, W. F. Goodspeed, R. S. Warner and Thomas Johnson. Columbus. The lease of the Wellington and Jackson lines for ninety-nine years was ratified by the board.

Northern Pacific Directorate. The board of directors of the Northern Pacific Railroad Company was re-elected vesterday at the annual meeting in New York. No other business of importance was transacted.

Personal, Local and General Notes. On Oct. 1 G. R. Burt succeeded D. C. Tate, resigned, as auditor of the Toledo &

Ann Arbor road. The Wabash is short of passenger engines and is converting some of its freight engines into passenger locomotives. Home seekers' excursions were run yesterday west, and were the best patronized of any excursion run in many months.

James E. Lake, who has resigned as agent of the Chicago & Alton at East St. Louis, had been with the company thirty years. J. B. Hill, general freight agent of the Panhandle, who has been quite ill, is so

much better that he was at his office yesterday. H. Agnew, agent of the Michigan Central at Porter, has been transferred to Three Oaks. G. Lewis succeeds him at Porter

Station. E. A. Ford, general passenger agent of the Pennsylvania west and of the Vandalia. arrived in the city last evening, and will

remain until noon to-day.

In the month of September there were handled on the Big Four system 651,362 passengers, against 646,182 in September, 1899, an increase this year of 5,180. H. E. Dubois, general agent of the Inter-State Dispatch, has had his jurisdiction

extended to cover the entire southern roads over which the line operates. Howard M. Smith, formerly master me chanic of the St. Louis Terminal lines, who retired from that position last spring,

is dead, aged sixty-eight years. On Oct. 1 J. A. Williamson succeeded G. E. Gilman as division passenger agent of the Cincinnati, Hamilton & Dayton, in charge of territory tributary to Toledo. It is stated that radical changes in handling excursion tickets in trunk line territory are pending, and may end in the abelition of excursion or round trip tickets. H. G. Stiles, division freight agent of the lincinnati, Hamilton & Dayton lines, who

Traveling fireman is a new position created on the New York Central. The principal duty of the traveling fireman is to assist the engineman and fireman in getting good results in the use of fuel. Within the last few weeks the Big Four

has been extending or laying new passing tracks between Indianapolis and Kankakee, to-day completing the twenty-fourth side or passing track on that division. R. D. Hughes, of Cleveland, general superintendent of the American Express Company, was in the city yesterday en

route to St. Louis. He reports the business of his company at present highly satisfac-The Erie's excursion last week to Ohio was the largest in the history of the Indiana and Ohio Old Settlers' Association.

each to carry the old settlers and their In the month of September the Vandalia brought into Indianapolis 5,644 loaded and 532 empty cars, and forwarded from this point west 3,932 loaded and 1,582 empty cars. Of the inbound business, 595 were loaded

with live stock. The Chicago & Rock Island management expects to have the branch under construction from Gowrie, Ia., to Sibley, Ia., 115 miles in length, completed and in readiness to open to freight and passenger traf-

fic not later than Nov. 15. C. E. Schaff, general manager, J. Q. Van Winkle, general superintendent, and George Kittredge, chief engineer of the Big Four ing the improvements that have been made at that point in the last few months, costing quite a sum of money.

J. M. Herbert has assumed the duties of superintendent of the Kansas and Colorado divisions of the Missouri Pacific lines, vice Shankland, who retired on account of advanced years. Mr. Herbert comes from the sion superintendent on the Wabash lines. Officials of the Chicago & Northwestern are making a strong effort to have the names of the stations on all the lines of financial results from operations, with the company conform with the names of the corresponding postoffices. Lack of uniformity in this respect has caused not only the public, but the company, constant

Instructions to heads of freight and passenger departments now being received give evidence that the presidents were in earnest at the recent meetings, and it is and rentals, \$1,217,604, an increase of \$68,512; | daily becoming more evident that the probability of a maintenance of both passenger and freight rates is greater than at any

gross earnings, exclusive of betterment, sive form "A Message to Garcia." It is certain consideration not applicable to other intended for libraries. A parent could hardly select a more interesting work for a boy for a Christmas gift than this. The book is very pleasing in its make-up and would adorn any table.

The new passenger locomotives the Lake Shore is having built at Dunkirk have six driving wheels eighty inches in diameter, one pair of wheels instead of a fourwheeled truck in front, and two-wheel radical trucks under the firebox. They wil have 20x28-inch cylinders, 3,250 square feet of heating surface, two hundred pounds working pressure and are expected to haul the Lake Shore trains seventy miles an hour when necessary.

Isaac A. Sweigard, who on Monday terminated his official connection with the Philadelphia & Reading, closed his thirtyfifth year of continuous service, and his leave-taking, it is stated, was marked only by hand-shaking and a few kind words of farewell of the older of the employes about the general offices. On Monday the offices of the general superintendent and the entire force of clerks was removed from Philadelphia to Reading.

A prominent official of the Wabash says: "Our earnings continue to show increases right along. September will show gross about \$1,600,000, which will make this the best September on record. The outlook for continued good business in our territory is highly encouraging. Crops have been good and farmers and merchants are prosperous Satisfactory progress is being made with the improvement work detailed in the annual report, and which is being paid for tion of the company, no provision was made for improvement of the property. The con dition of the road is very much better than it used to be, and by continuing the present policy for two or three years longer twenty-five miles an hour without any de- | we shall have the property in excellent shape.

JOHNNIE NELSON HERE.

Matched with McDuffee for Twenty Mile Paced Race.

Johnnie Nelson, the middle distance pace follower, arrived in this city yesterday in company with his manager, F. Ed Spooner, and, inside of two hours the little Swede was matched to ride Eddie McDuffee a twenty-mile paced race next Monday afternoon at Newby Oval.

When dickering with Manager Prince r regard to races in the West, Nelson's manager insisted that it must be upon the basis that Nelson provide his own pace or not at all. The youngster would not listen to following other than his own Blue motor, a machine almost as famous as its follower in the East and upon the Red Devil, which in its works this season has not belied its name. Nelson is fond of the "Leetle Blue" for many reasons, but mainly because it has never falled him at an important point in a single race of the twenty-five ridden and twenty races won this year,

nity to see Nelson The opportunity so busy around Boston this year that New | a criminal case is a deputy sheriff is suf-York has seen him not at all and Philalelphia and Baltimore but twice each. Buffalo, Springfield, Mass., Hartford and East have sought his presence for match to Indianapolis is in reality in search of ecords which he hopes to gain upon Newby Oval, considered by him and by other riders as one of the fastest tracks known.

CRIPPLE KILLED BY CARS.

His Body Found on the Tracks Near Delaware Street.

The almost lifeless body of a man, about

wenty-four years of age, was found about o'clock last night by the switchman at the Delaware-street crossing of the Union tracks, lying face downward in the middle of the outbound Union track. He was unconscious. His head was oadly crushed in the back, and his body was terribly bruised. The City Hospital ambulance was called, and he was moved to the hospital. where it was seen that he could live but a short time. He died at 10:25. An examination of the man's clothing gave no clew to his identity and there was no one about who had seen him before. He was crippled and walked with crutches. his right leg being off below the knee. The big toe of the left foot was also gone. He had dark hair and was rather stockily built, weighing about 150 pounds. He was fairly well dressed in dark clothes, but had the appearance of a wanderer. The first seen of him was when he was found unconscious between the tracks. It was not known how he was injured, but it was thought he was struck at Delaware street by one of the outbound trains which passed about that time. The special train or Noblesville left the Union Station at 30 p. m.; a Big Four train leaves at 6:25

ware street, indicating that he had probably been struck at the crossing and dragged that distance. BEAR THIS IN MIND. An Article That Should Be in Every Home to Promote Health

and a Panhandle train at 7:10. The body

was found about forty feet east of Dela-

and Happiness. A cool and refreshing glass of beer, if pure and cleanly made is one of the most wholesome beverages that the public can drink. Just such an article is brewed by the American Brewing Company, an Indianapolis organization, composed of local gentlemen and therefore deserving of the rade of this community. They ask the patronage on the ground of excellence, curity and cleanliness. These are condiions that guarantee its merit over and above all other beers. This meritorious reparation is sold in bottles and delivered to the home by Jacob Metzger & Co., who Awarded highest prize Paris exposition 1900. has been at French Lick Springs for a phones, or postal card.

couple of weeks, returned yesterday much | FILING OF A DEMURRER

NEW TURN IN MUTUAL LIFE INSUR-

Some of the Mortgageors, It Is Said, Have Overpaid - Higher Courts in Session.

ANCE RECEIVERSHIP.

A demurrer was filed to the intervening petition of Catherine E. Breinig and others It required four trains hauling ten coaches in the receivership of the Mutual Life Insurance Company, in Room No. 2, of the Superior Court, yesterday, which presents to the court a point in law affecting all stockholders in the building and loan department of the association. The petition relates to the claim of Catherine E. Breinig and is also in behalf of other stockholders affected.

Since the Union Trust Company was appointed receiver of the association, several years ago, diligence has been exercised in collecting claims. The company did business under two heads-that of a life insurlines, were in Anderson yesterday, inspect- ance company and as a building and loan association. The stockholders in the building and loan department were involved to the amount of several hundred thousand dollars, being the darger representation of the business. Mortgageors have been paying interest and premiums in this depart-Grand Trunk and at one time was a divi- ment to the receiver, and the judges who have been on the bench since the receivership began have urged the receiver to collect claims in order that the affairs of the association might be more speedily

The point raised in the petition of the creditors of the building and loan department is that they have overpaid the receiver in reimbursing their loans. The assertion is based upon the decision of Judge Baker, of the Supreme bench, in regard to the payment of mortgageors and creditors to receivers of building and loan associations. previous time.

The passenger department of the New Vork Central has issued in a more even. creditors. This consideration was that shareholders who had borrowed from the association were not compelled to pay a specified rate of interest and premiums additional to the principal; that under the circumstances governing a receivership only the legal rate of interest, with the premiums already paid, should go toward liquidating the indebtedness and be considered part payment therefor. Under this ruling a number of mortgageors have overpaid the receiver of the Mutual Life Association, and if the petitioners are shown to be directly affected by this decision they will be entitled to recover such amounts as have been overpaid. The amount involved and the number of mortgageors entitled to credits on payments of interest and premiums, as set out by the Supreme Court, are not known, and will not likely be estimated until the receiver prepares a schedule for the hearing before Judge Leathers.

A TOWN SITE INVOLVED.

John A. Roche Sues Manufacturers

Gas Land Improvement Company. John A. Roche sued the Manufacturers Gas Land Improvement Company on a contract yesterday, demanding \$3,780.09. He avers that the defendant company contracted with the Chicago, Indiana & Eastern Railway Company July 22, 1893, to take up valuable options on 640 acres of land in Delaware and Grant counties and lay out and plat it into town lots to establish the town of Matthews, providing the railway company would extend its line through the land. It is asserted there was a further agreement that the defendant company should pay to the railroad the difference between the option price and \$200 an acre. This difference, the complainant says, was

The complaint says the company extended its railway as agreed, but the defendants only platted 261.91 acres, leaving 376.09 acres still to be platted. The amount due to make good the contract for lack of performing the work of laying out 640 acres n lots is placed at \$3,780.09. Roche says the contract was assigned to Paul Brown in 896, and assigned to him in 1899. John A. Murphy also brought suit against

the Manufacturers' Gas Land Improvement Company on notes, one for \$7,000 and another for \$4,000.

HIGH COURTS IN SESSION.

Several Decisions Handed Down by

the Supreme Tribunal. The Supreme Court resumed its sessions vesterday and affirmed the judgment sentencing David O. Harris to imprisonment for life for killing George Brown at Seymour. Ind. The murder was committed in

The judgment recovered by John M. Comstock against the Western Paper Company for \$500 damages and an injunction against the further pollution of Brandywine creek by the discharge into it of refuse from the defendant's paper mill was affirmed. The judgment in the case of Milo Gaff against the State of Indiana was reversed, the court holding that the fact that a per be appreciated in this city. He has been son called as a talesman to sit on a jury in

ficient grounds for excluding him from the The suit of Anna E. Wood against the many other important race points in the | Consumers' Gas Trust Company for a writ of mandate to compel the company to conraces and have all failed. His present trip | nect her new house on Bellefontaine street with its natural-gas mains and to supply the house with fuel was filed on appeal in the Supreme Court.

Factory Affairs Wound Up. The affairs of the Globe Model and Pattern works were wound up in the Circuit Court, yesterday, and Thomas Nelson, the receiver, was discharged. The concern was thrown into the hands of a receiver on the petition of William H. Dalbey, George R. Morrison, Stephen Vanslyke and George Ferrell, employes of George S. Black, proprietor of the factory, who said wages were due them. Dalbey demanded \$59.95, Morrison \$81,07, Vanslyke \$15.75, and Ferrell \$18.23. They alleged Black was unabl to pay his bills and had abandoned the management of the plant. Judge Allen ordered the workmen paid, holding their claims as first lien, and the claim of the Indianapolis Mortgage and Loan Company for \$175 as second lien.

Insurance Money Involved.

Cynthia Rogers brought suit against Harry A. Metzger and Albert E. Metzger yesterday for the payment of a fire insurance policy amounting to \$400 issued by the Fort Wayne Insurance Company. It is set out that Feb. 14 her house and its contents burned, causing a loss of \$900. and that the company has refused to pay the policy. It is alleged she was induced to take out a policy with the Fort Wayne Company, which, she says, was represented to be a reliable fire insurance association.

To Enforce Payment.

The Tollen & Hogg Iron and Steel Foundry Company filed a suit yesterday against the Central Steel Company to foreclose a lien, demanding \$6,000. It is asserted that the foundry company contracted to put rolling mills and machinery in the company's plant in the early part of this year and that the promise of payment within a certain time had not been fulfilled.

Henry Weston brought suit against Perry

Caused Him Humiliation.

Lund, William B. Milan and John McCarthy yesterday for \$500 damages for assault and battery. He alleges that the defendants came to his residence, 535 Kentucky avenue, Sept. 14, forcibly entered his house, assaulted and beat him, tore his clothes and upset the furniture. He says the noise attracted neighbors and that he was greatly humiliated.

vesterday, divides her estate between her

husband, Anton F. Meler, and her children,

erior Court, Room 2. Cynthia Rogers vs. Harry A. Metzger et al. In the Probate Court. on fire insurance policy. Circuit Court.

Daisy A. Britton vs. Theodore Britton; divorce Superior Court, Room 1.

Laura Griffin vs. Alexander Griffin; divorce The will of Minnie L. Meier, probated

Herbert A. and Irwin C. Meier. The husband is named executor of the will. The will of Christian F. Kritsch left all of his estate to his wife, Minnie F. Kritsch, who was later appointed executor, and gave a bond of \$200. George Gross was appointed administra-tor of the estate of Musa M. Gross, and gave a bond of \$450. William R. Wycoff was appointed administrator of the estate of William J. Colley, giving a bond of \$100.

THE COURT RECORD.

SUPREME COURT.

18841. Weston Paper Company vs. Comstock Shelby C. C. Affirmed. Hadley, J.-1. Sections 29 and 2169, R. S., 1894, describe what shall constitute a public nuisance and provides the punis nied any fact averred therein must be taken as true. 3. A contract for the continuance of a nuisance, indictable under the statute, is void.
19313. Gaff vs. State of Indiana. Noble C. C.
Reversed. Baker, C. J.-1. Deputies of a sheriff are not competent to sit as jurors trying a state case, although having no interest therein 2. A defendant is not bound to anticipate that in making up a jury talesmen will be called from among the sheriff's deputies, and in case they are called they should disclose their rela-tion to the sheriff's office on the general examination as to their competency.

19276. Harris vs. State of Indiana. Lawrence
C. C. Affirmed. Jordan, J.—1. When a motion for
a new trial is founded upon some collatteral
matter foreign to the cause of action, such matand where it is charged that such collateral matter interfered with the jury in its deliberations, the manner of its interference should be isclosed. 2. The court, in considering appeals, 3. A reasonable doubt may not only arise the evidence, but may also be created in the minds of the jury by reason of the lack of evi-dence. 4. In order to justify a reversal in a criminal case for a more inaccurate definition of what is required under the law to constitute reasonable doubt, it must plainly appear that the defendant was prejudiced thereby in his substantial rights. 5. An instruction should be constituted in the constitution of th stantial rights, 5. An instruction should be con-sidered in its entirety. 6. Malice, in law, and as used in the statutes defining murder, has a tech-nical meaning, including not only anger, hatred and revenge, but every other unlawful and un-justifiable motive. It is not confined to ill will towards one or more individual persons, but is used and intended to denote an action growing from any wicked and corrupt motive, a thing done with bad or malicious intent; where the fact has been attended by such circumstances as carry in them the plain indication of heart, regardless of social duty and fatally bent on mischief; and, therefore, malice is implied from any deliberate and cruel act against another, however sudden. 7. If a party to a criminal cause desires that special instructions be given the jury upon any feature or question in the case, he should, before the commencement of the argument, prepare, sign and present such in-structions to the court, with the request that they be given. 8. Any question of irregularity in the impaneling of the grand jury should be raised by plea in abatement. 18984. Baker vs. City of Indianapolis. Marion 18984. Baker vs. City of Indianapolis. Marion C. C. Dismissed. 19022. Indianapolis Gas Company vs. Beard. Marion S. C. Dismissed.

19267. Jessup vs. Olleman. Morgan C. C. Dis-19222. Citizens' Bank vs. Union Trust Company Floyd C. C. Motion dismissed until final hear-19325. Hockemyer vs. Thompson. Allen S. Motion to reinstate overruled. 19343. Brown vs. Sullivan. Madison S. C. Mion to dismiss postponed until final hearing. 19362. Irwin vs. Guthrie. Martin C. C. Same. Plank vs. Indiana Stock Association agton C. C. Petition to advance denied. 19403. Miller vs. Coulter. Clinton C. C. Publica tion ordered and issued.

19059. Union, etc., Association vs. Archele.
Vanderburg S. C. Petition to advance denied.

19400. Bonham vs. McGrath. Blackford C. C. Motion for certiorari granted. 19394. Smith vs. Fairfield. Allen C. C., Motion o substitute new parties denied. Publication 19418. Peckham vs. Green. Cass C. C. Publica tion ordered and issued. 19386. Ellis vs. Ellis. Vanderburg C. C. Dis-19437. MacMurray vs. Sidwell. Delaware C. C.

19109. Derk De Ruiter et al. vs. Laura E. De Ruiter. Marion S. C. Reply brief on motion for allowance and affidavit in support, etc. Appellee's brief. 19224. Standard Cement Company vs. Maggie Binor, administratrix, etc. Clark C. C. Appellee's 19287. Emily C. Carico et al. vs. Catherine Baur. Vigo C. C. Appellee's reply brief on mo-19341. Louisa G. Emerick vs. Harry L. Miller et al. Wabash C. C. Appellees' petition for ex-19343. Levi P. Brown vs. Martha J. S. Sullivan Madison S. C. Motion to dismiss postponed till final hearing. 19382. Mary E. Thrall et al. vs. Perry Gosnell t al. Rush C. C. Appellees' application for ex-19356. Martin Koepke, sheriff, vs. Paul C. Hill. Vanderburg C. C. Appellee's petition for exten-Henry R. Smith et al. vs. American rystal Monument Company et al. Hamilton C 19415. The Pittsburg, Cincinnati, Chicago & St. Louis Railway Company vs. Erueltina Machler et al. Laporte C. C. Appellant's brief (10.) ...441. William M. Jewell et al. vs. Albert Gayet al. St. Joseph C. C. Joinder in error. Ap-Adam Meldrum and Anderson Compan vs. Thomas Stewart et al. Wabash C. C. Appllants' reply brief.
18985. Henry P. Davis et al. vs. Jefferson Davis, administrator. Madison C. C. Day May APPELLATE COURT.

Everett vs. Stuck. Allen S. C. Re-Wiley, J .- 1. A party cannot sue upon one theory and recover upon another. 2. Where a person sues upon a contract of employment he cannot recover from the defendant upon the the-

ory that the defendant assumed the debt of an

De Couders vs. Union Trust Company St. Joseph C. C. Affirmed. Comstock, J.-Where an executor of an estate mortgages the real estate thereof and warrants the title and expressly promises to pay the debt for which he executes notes which he secures by the mortgage he be-comes personally liable when there is no authority given him to execute the notes, althoug the will of the decedent authorizes him to exe cute a mortgage to secure the debts of the

State ex rel. Miller vs. Webster. De C. C. Transferred to Supreme Court. Wevy vs. Rhodes. Marion S. C. Transerred to Supreme Court. Keesling vs. Richison. Delaware C. C. Motion to advance overruled. 3449. Bogue vs. Murphy. Pulaski C. C. Peti-3503. Little vs. Koerner. Vanderburg S. Publication ordered and issued.

-Minutes .-3230. William T. Meek vs. Martha Beaver, Faytte C. C. Appellee's brief (6.) 3479. Robinson & Co. vs. John Etter. Wayne C C. Appellee's petition for extension of time. Extension of time granted.

SUPERIOR COURT. Room 2-James M. Leathers, Judge. United States Bullding and Loan Association vs. Robert Cole et al.; foreclosure. Dismissed plaintiff's costs. Maggle Toner vs. William T. Toner; divorce. Evidence partly heard. Continued. Room 3-Vinson Carter, Judge. Solomon Brown vs. Maggie Twyman; slander,

Dismissed by plaintiff. Judgment against plain-

Daniel W. Marmon vs. James S. Hollowell et

al.; foreclosure. On trial by court. CIRCUIT COURT. Henry Clay Allen, Judge, Kate Stewart vs. Emma Doke's Estate; claim submitted to court. Allowed for \$16.87 and costs. G. W. Swalls vs. Susan M. Harvey's Estate; laim. Allowed by executor for \$49.35 and costs. Preferred claim. Mary Bendler vs. Caroline Pierce's Estate: claim. Submitted to court. Allowed for \$75 and Elizabeth W. Bird vs. Caroline Pierce's Estate: elaim. Submitted to court. Allowed for \$25 and State ex rel. Minnie Barrow vs. Joseph Con-way; bastardy. Defendant defaulted. Submitted

to court. Taken under advisement. Preston O. Rudy vs. Catharine Rudy's Estate claim. Submitted to court. Allowed for \$250.10 Flanner & Buchanan vs. Albert E. Lemon's Estate; claim. Settled by agreement of parties and consent of court, and allowed for \$25 and On motion of Ralph Bamberger, Berie B. Co hen was admitted to the bar. William H. Dalbey et al. vs. George et al.; receiver. Scullon & Myers allowed on intervening petition the sum of \$38.50. Finding that labor claims are first lien. Claim of In dianapolis Mortgage Loan Company second for \$175. Distribution ordered accordingly. ceiver files report of distribution. Report approved. Receiver discharged and trust closed.

Fremont Alford, Judge Charles Aberding; assault and battery. Appeal from City Court. Finding, guilty. Fine, \$2. Ed Bristow; assault and battery. Appeal from City Court. Finding, not guilty. George Sweet and Virginia Burton; adultery Appeal from City Court. Defendant Burton arraigned. Plea of guilty. Fine, \$10, and imprisonment in county jail ten days.

Albert Hirsch; assault and battery. Appea from City Court. Finding, guilty. Fine, \$16 and imprisonment in Workhouse ten days. Richard Bryant; assault and battery. Appea from City Court. Finding, guilty. Fine, \$10. NEW SUITS FILED.

CRIMINAL COURT.

Henry Wester vs. Perry Lund et al.; complaint or damages for assault and battery. Luetta E. Sutton vs. John A. Sutton; divorce Superior Court, Room 2. Marshall Nixon vs. Austin T. Quick; on note Hannah B. Riley vs. Henry Harvey et al.; damages. Demand, \$150. Superior Court, Room 3. Solomon Brown vs. Maggie Twyman; damages and slander. Demand, \$5,000. Circuit Court. John S. Moore vs. Topp & Co. et al.; on note. John A. Murphy vs. Manufacturers' Gas Land improvement Company; on note. Superior Court, John A. Roche vs. Manufacturers' Gas Land mprovement Company; on contract. Superior Dessie F. Edgette vs. Charles Edgette; divorce. Superior Court, Room 3.

The Tollen & Hogg Iron and Steel Foundry Company vs. The Central Steel Company; mechanic's lien. Superior Court, Room 3. David F. Furr vs. John Furr; partition. SuThe Greatest Tonic



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THE HICKORY ELM CLUB.

Discussion Concerning a Possible Increase of Membership.

On assuming the chair the president remarked that it had been some time since the club had taken in a new member, and

that it might be necessary for the commit

tee on membership to get together at an

early hour and see what could be done to increase the population of the club. Colonel Garlic, from that committee, said he had been thinking along the same line himself for some time. "But," said he, "the issues have been so unsettled for the past nine weeks that I don't know how to approach an outsider with a view to in veigling him into the club. I spoke to an old fellow the other day about joining, but he inquired what we were organized for, 19290 First National Bank vs. Bloomingdale. and wanted to know what party we be longed to, showing, as I thought, very dense ignorance of political conditions in this country. I told him the Hickory Elm Club was an important auxiliary of the Democratic party, and he asked me 'Which one, the old or the new?' I replied that as far as I had been able to ascertain we were a sort of compromise between the old and the new, with a strong leaning toward the new. He then asked me if the club had suffered much damage from being dragged around over the earth by Colonel Bryan in search of a permanent paramount issue. I then saw that he was inclined to cod and I dropped him. I had the same experience with others whom I approached, and I have come to the conclu sion that any effort to stock up this club out of decent material will be attended with great difficulty until we appear before the world as an organization founded upon some definite and sane political principle We can get plenty of rattle-headed idiots a few dollars for a rainy day, after a while find and dead beats who have never recovered from the moral effects of the old souphouse system that was set up a few years

ago by our party administration, but we can't win an election with that kind of stuff, and we don't want it in this club." "You are entirely right," replied the president. "We want self-respecting gold standard expansionists who will be willing to support Bryan with the understanding that he will not be allowed to monkey with the currency system, or dicker with Aguinaldo for the independence of the Tagalogs until order is restored in the archipelago. We want a class of citizens that will insist, when Colonel Bryan becomes President, that he shall not attempt to put into practice a single theory that he professes to espouse relating to government. We want men with hearts blg enough to sympathize with the Boers or anybody else who is getting the worst of it at the hands of a more powerful nation but we want them with sense enough to see that the United States has no business to interfere with the affairs of any other nation at war, when we are not involved, and have not the slightest interest at stake. We want men who will stand by the law, the Constitution, and the flag of the United States, whenever and wherever they may be violated or assailed. We want no man who would be guilty of saying a word, or doing an act intended to encourage lawbreakers, whether they be horse thieves in Missouri, meonshiners in Tennessee, sav-

ages in the Black hills, or savages in the Major Biff asked the president whether qualifications he had prescribed wouldn't bar out Colonel Bryan bimself. "I suppose they would," answered the president, "but Colonel Bryan is our candidate, and we can't get rid of him if we would. He never was eligible to membership here, and is not now, but he is the candidate of the new Democracy, from which the Hickory Elm Club has not entirely divorced itself, and we are compelled to tolerate and support him to the best of our ability under the circumstances. But in doing so it is our duty to ourselves, to the country, and to humanity, to surround him with such safeguards for the general public as to make it impossible for him to

kick the wadding out of the fabric of our institutions by trying to carry out the Populistic and anarchistic theories which he is preaching every day on the stump. "Mr. President," said Colonel Snort, do not understand that the responsibilities you speak of are to rest entirely upon the shoulders of the old Gold Standard-Expansion Democracy and the Hickory Elm Club but that they must be shared by a Republican Congress, that will have ample time to enact a buck and gag law between the election and the inauguration that will effectually restrain the doing of executive

violence to the best interests of the country. Am I right?' Right you are, Colonel, but parties do not often respond to the wishes of the opposition, and it will hardly do to depend upon the Republican party to interpose its powers to prevent the subversion of the government at the hands of an insane

General Pilcher said that he was no lawyer, but he thought that any tendency of the President to balk, or to go wrong, might be corrected by mandate or injunction. If Colonel Bryan should refuse to do what the law required, or was about to do what the law prohibited, he could be mandated in the one case, or restrained in the other, by applying to John P. Altgeld, associate justice of the Supreme Court. Or he could be promptly impeached by Ben Tillman and James K. Jones in the Senate, that body having the sole power in such cases, if a remember rightly the language of the constitution and bylaws of Congress on the subject of imreachment."

Peter J. Lummix had listened attentively

to the debate until he got restless, when he inquired of the chair if he might say word. He was allowed that privilege, and began by saying that he knew nothing about the "by-laws" of Congress, nor any thing about how to keep Colonel Bryan from bursting up the government, "but," said he, "I think the Republicans have a plan that will work to a t-yty. I got on to it at a meeting of sawmill hands the other night, where every blamed one of 'em was goin' to vote for McKinley. One of 'em said there was so darned many doubts about what Bryan would do if he was President that he had made up his mind to take no chances, but to vote for a candidate that had got done experimentin'. He said he had no doubt that some of Bryan's schemes would work in this country after the people had got used to living on wind, but he said his system had been training on beefsteak and lightbread so long that he was afraid his constitution would break down if he suddenly changed off on a diet that might be lighter than soup. When he mentioned soup, the chairman called for signers, any they all went up and put their names down, and in less than twenty minutes they had a Rough Rider Club organized and ready for busi-W. S. H.

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